



# 2003 Annual Report

**New Jersey  
Election Law Enforcement Commission**

May, 2004



## MISSION STATEMENT

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### Commission's Office

New Jersey Election Law Enforcement Commission  
28 West State Street, 13<sup>th</sup> Floor  
Trenton, New Jersey

(609) 292-8700

The Election Law Enforcement Commission is dedicated to **administering “The New Jersey Campaign Contributions and Expenditures Reporting Act,” “The Gubernatorial, Legislative Disclosure Statement Act,”** various portions of the **“Legislative Activities Disclosure Act,”** and various portions of the **“Uniform Recall Election Law.”**



Clockwise: Chair Ralph V. Martin, Commissioner Peter J. Tober, Executive Director Frederick M. Herrmann, Deputy Director Jeffrey M. Brindle, Legal Director Nedda G. Massar, Counsel James P. Wyse, and Commissioner Jerry Fitzgerald English.  
Vice Chair Paula A. Franzese not shown.

## THREE DECADES OF SERVICE 1973-2003



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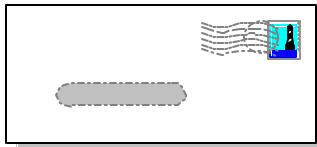


## HOW TO CONTACT ELEC

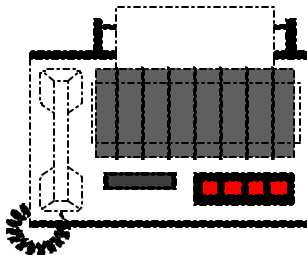
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By visiting our offices located at:  
New Jersey Election Law Enforcement Commission  
28 West State Street  
Trenton, NJ



By mail at:  
New Jersey Election Law Enforcement Commission  
P.O. Box 185  
Trenton, NJ 08625-0185



By telephone at:  
(609) 292-8700

By Fax at:  
48-hour notice: 292-7662  
Requests: 292-7664  
Administration: 777-1448  
Legal: 777-1457



Via the Internet at:  
<http://www.elec.state.nj.us/>



## THE COMMISSION

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### Ralph V. Martin, Chair

Ralph V. Martin, retired Superior Court Judge serving Passaic County, and now a practicing attorney in Wayne, New Jersey, was appointed to fill an unexpired term on the Commission in December, 1995, and was appointed Chair in February, 1996. He is serving his third term on the Commission.



Ralph V. Martin Chair

While a Superior Court Judge, the Chair was involved in all divisions of the Court, with most of his service occurring in the Civil Division.

A graduate of Rutgers University with a B.S. and M.S., Judge Martin earned his J.D. from Rutgers University. He was subsequently admitted to the New Jersey and U.S. District Courts and the U.S. Supreme Court.

The Chair is a member of the Passaic County and State of New Jersey Bar Associations. He has a legal interest in complex litigation and media delivery issues. Judge Martin chaired the Supreme Court Media Committee for an extensive period of time.

A veteran of the U.S. Army, he served as a Nuclear Guided Missile Officer from 1951-1955 (14th Ordnance Battalion). The Chair is married to the former Ida K. Kuiphoff. They have four sons.

### Paula A. Franzese, Vice Chair

Paula A. Franzese is serving her second term on the Commission. Appointed in 1996, Commissioner Franzese is Professor of Law at the Seton Hall University School of Law, and has taught at Columbia University, Fordham University and the University of Parma, Italy. She is a nationally recognized lecturer, President of the Justice Resource Center, and commentator for Court T.V.



Paula A. Franzese, Vice Chair

A graduate of the Columbia University School of Law and Barnard College, Columbia University, Vice Chair Franzese is a member of the New Jersey and New York bars and is admitted to practice in the U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey.

A recipient of numerous awards and honors, including being named Professor of the Year for an unprecedented six times, Woman of the Year by various organizations, and Exemplary Teacher by the American Association of Higher Education, Vice Chair Franzese is the author of two books as well as numerous publications and papers.

Vice Chair Franzese has been appointed to the Blue Ribbon Advisory Commission to the Council to Rebuild Lower New York. She is the Founder of the New Jersey Mentor Program, which provides inner-city youth with the opportunity to participate in the legal system and with access to role models within the profession. She is married to Michael R. Rosella. The couple has two children, Michael Luigi who is 10, and Nina Paula, who is 7.



## THE COMMISSION continued

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### Peter J. Tober, Commissioner

Peter J. Tober, appointed to the Commission in January 2002, served as Senior Assistant Counsel to former

Governor Christine Todd Whitman and former Acting Governor Donald T. DiFrancesco.



Peter J. Tober, Commissioner

An advisor to the former governors on election, ethics, banking, and insurance issues,

Commissioner Tober served as

the liaison to the New Jersey State Senate.

Commissioner Tober is a graduate of Cornell University, where he majored in economics and government, and of Hofstra University School of Law, where he was Associate Editor of the Hofstra Law Review and a Moot Court Judge.

Admitted to the Bar in New Jersey and New York, Commissioner Tober began working for Wilentz, Goldman and Spitzer, P.C. in 1992.

An associate on the complex commercial litigation team, he served as lead counsel on jury and non-jury trials and specialized in partnership disputes, restrictive covenants, antitrust, and intellectual property law.

Commissioner Tober is now affiliated with Shain, Schaffer and Rafanello in Bernardsville.

### Jerry Fitzgerald English, Commissioner

Jerry Fitzgerald English, former Commissioner of the Department of Environmental Protection and Legislative Counsel to Governor Brendan T. Byrne, was appointed to the Commission in January, 2004.



Jerry Fitzgerald English, Commissioner

Long involved in service to the people of New Jersey, Mrs. English is a past Commissioner of the Port Authority of New York and New Jersey and a former State Senator.

Commissioner English, in addition to being a member of the New Jersey, American, and International Bar Associations, was a founding member of the Women's Political Caucus, a former member of the Democratic National Committee, and an honorary trustee of the Passaic River Coalition.

Currently a partner in the law firm of Cooper, Rose and English, Mrs. English is: a former member of the Board of Directors of the Regional Plan Association, Co-chair of the American Bar Association Litigation Subcommittee on CERCLA and Hazardous Waste, on the Board of Visitors for the School of Liberal Arts and Science at New Jersey Institute of Technology (NJIT), a member of the Leadership Council of Harvard Law School, and a trustee of the New Jersey Federal Bar Association.



## THE COMMISSION continued

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Mrs. English is an attorney specializing in environmental law. She has been an expert witness for the New Jersey courts for private clients in environmental cases and has published extensively in a variety of journals regarding environmental issues of great importance. Mrs. English currently is an editor of the New Jersey Law Journal, where she sits as vice chairman of the editorial board.

A former candidate for the U.S. House of Representatives, Commissioner English shares her knowledge of government and environmental problem solving with students at NJIT as an adjunct instructor.

Mrs. English holds a BA in International Relations from Stanford University and a JD from Boston College Law School combined with studies at Harvard University Law School. Her husband, Dr. Alan English, and she reside in Summit, New Jersey.

### **Frederick M. Herrmann, Ph.D., Executive Director**

Frederick M. Herrmann has been the executive director of the New Jersey Election Law Enforcement Commission for two decades. He



Frederick M. Herrmann, Executive Director

received an A.B. (1969) from the University of Pennsylvania and an M.A. (1970) and a Ph.D. (1976) from Rutgers, The State University of New Jersey. Dr. Herrmann is also an honor graduate of the United States Army Quartermaster School at Fort Lee, Virginia.

The author of many publications about history and government, he is a frequent speaker at various forums inside and outside of New Jersey. Dr. Herrmann has also appeared as a campaign financing and lobbying law expert on radio and television. Currently, he is the book review editor of the Guardian and on the editorial board of Public Integrity. He is also on the Board of Trustees for the Friends of the State House.

Once a teacher at Rutgers and Kean Universities as well as a staff member of the New Jersey Legislature, he has also served on the Organiza-





## THE COMMISSION continued

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tional Planning and Coordinating Committee of the Council of State Governments and has been the President of the Council on Governmental Ethics Laws (COGEL), an international organization, and the Chairperson of the Northeastern Regional Conference on Lobbying (NORCOL). Executive Director Herrmann currently serves on the COGEL Awards and Publications Committees.

At its regional meeting in 2001, NORCOL presented Dr. Herrmann with its 20<sup>th</sup> Anniversary Service Award for his outstanding efforts on behalf of and contributions to the organization. In 1993, he was the recipient of the Annual COGEL Award for his continued efforts to promote the highest level of ethical conduct among governmental officials and candidates for public office in the international arena. He has met often with dignitaries from various jurisdictions throughout the world to assist in the developing and drafting of statutes and regulations.

### James P. Wyse, Counsel

James P. Wyse was selected to be the Commission's Counsel in 1994 and began serving in that capacity in January, 1995.



James P. Wyse, Counsel

Mr. Wyse is an attorney with the firm of Herold and Haines, P.A. in Warren, New Jersey. He specializes in the areas of corporate and commercial law, real estate, environmental law, and estate planning.

Mr. Wyse, admitted to practice in New Jersey and before the United States Court of Appeals for the Third Circuit, has argued cases in that Court and before the New Jersey Supreme Court.

As Counsel for a number of national, State, and local land trust organizations, Mr. Wyse has developed special expertise regarding conservation and agricultural easements and innovative land preservation techniques.

Mr. Wyse received a B.A. degree from Bucknell University and J.D. degree with honors from the Rutgers University School of Law.





## COMMISSION STAFF

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### **Executive**

Frederick M. Herrmann, Ph.D., Executive Director  
Jeffrey M. Brindle, M.A., Deputy Director  
Nedda G. Massar, Esq., Legal Director  
Elbia L. Zeppetelli, Administrative Assistant  
Steven Kimmelman, M.A., Research Associate

### **Administration**

Barbra A. Fasanella, Director  
Donna D. Margetts, M.A. Personnel Officer  
Elaine J. Salit, Fiscal Officer  
Debra A. Kostival, Principal Receptionist  
Irene Comiso, Senior Receptionist  
Aracelis Ocasio, Clerk

### **Compliance and Information**

Evelyn Ford, Esq., Director  
Linda White, Associate Director  
Kimberly Key, Associate Compliance Officer  
Christopher Guear, M.A., Assistant Compliance Officer  
Titus Kamal, Assistant Compliance Officer  
Nancy Fitzpatrick, Assistant Compliance Officer  
Desiree DeVito, Public Room Assistant  
Monica Triplin-Nelson, Technical Assistant  
Elizabeth A. Michael, Technical Assistant  
Maria Concepcion, Sr. Clerk  
Samira Wood, Sr. Clerk

### **Legal**

Gail Shanker, Esq., Associate Legal Director  
Michelle Levy, Esq., Assistant Legal Director  
Ruth Ford, Legal Secretary

### **Systems Administration**

Carolyn Neiman, Director  
Kim Vandegrift, Assistant Systems Administrator  
Anthony Giancarli, Assistant Systems Administrator  
Brian Robbins, Assistant Systems Developer  
Peter Palaitis, Help Desk Technician  
Louis Solimeo, Computer Assistant  
Brenda A. Brickhouse, Data Entry Supervisor  
Shirley R. Bryant, Senior Data Entry Technician  
Nelly R. Rosario, Associate Data Entry Technician  
Barbara Counts, Associate Data Entry Technician  
Pamela Kinsey, Associate Data Entry Technician  
Darlene Kozlowski, Associate Data Entry Technician  
Helen Kelly, Associate Data Entry Technician

### **Review and Investigation**

Carol Hoekje, Esq., Director  
Shreve E. Marshall, Jr., Associate Director  
Brett Mead, Associate Review Officer  
Renee Cardelucci, Legal Secretary

### **Public Financing**

Amy F. Davis, Esq., Director  
Helen Staton, M.P.A., Public Finance Analyst



## MESSAGE FROM THE CHAIR

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It seems most fitting in the year that the Commission celebrated its 30<sup>th</sup> anniversary of service to the protection of open and honest campaigning that ELEC successfully challenged a court ruling that the campaign spending law did not apply to primary elections. At the time of the ruling, the other Commissioners and I immediately directed Counsel Wyse and the staff to “pursue appropriate legal action to protect the campaign act” thereby recognizing the integrity of that law was, as the Times (Trenton) editorialized, “essential to the future orderly conduct of elections in New Jersey.”

In a less urgent vein, the Commission has always taken its responsibility for administering the Gubernatorial Public Financing Program seriously. As 2002 drew to a close, the Commission again began to gear up for the next gubernatorial election, this one expected to begin in earnest following the upcoming presidential contest in November.

In order to make sure that ELEC is prepared to deal with the 2005 gubernatorial primary election, expected to be replete with complex issues, the Commission appointed a new director of public financing and a public financing analyst. Moreover, the Commission will be hiring temporary staff in the next fiscal year to advance the solid reputation of one of New Jersey’s proudest programs. And of course, ELEC’s new Legal Director, Nedda Massar, who formerly ran the program, will be present to assure its continued excellence.



Ralph V. Martin Chair

An effectively managed Gubernatorial Public Financing Program is integral to the public maintaining confidence in New Jersey’s electoral process. With this thought in mind, the Commission left no stone unturned in taking steps to gather the best staff possible for the task ahead.

This effort, however, was but one of many taken last year to not only insure the continued excellence of the gubernatorial program but also of the Commission in general. The Commission for three decades has been considered among the best of its kind in the nation; and, despite budgetary restraints, it has maintained and exceeded in 2003, its previous record of service.

During 2003, the Commission continued to improve upon its ability to deliver up-to-the-minute campaign financial information via the Internet to homes, libraries, and offices throughout New Jersey. State-of-the-art scanning technology has allowed the Commission to disclose reports within days of filing deadlines. Campaign financial information relative to candidates, political parties, legislative leadership committees, and PACs is available at the click of a mouse. Within two to three weeks, extensive contribution searches can be undertaken regarding legislative and gubernatorial candidates. Finally, the electronic filing component has been improved in preparation for the time when all filers, not just legislative and gubernatorial ones, will be able to file electronically.

As much as the Commission’s efforts in the area of automation have enhanced its ability to fulfill



## MESSAGE FROM THE CHAIR *continued*

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its historic mission of disclosure so too has personalized attention remained an important part of Commission operations. The Compliance and Information Section, for example, assisted treasurers, candidates, and lobbyists through workshops and outreach. It served the press and public and continued its fine public education programming. During 2003, the Compliance staff processed approximately 29,000 reports and made 51,582 copies of reports in response to requests for information. Continuing an historic pattern, the efforts of the Compliance staff resulted in a compliance rate of more than 90 percent. Recognized as one of the best in the area of prompt and thorough disclosure of information to the public, the Compliance Section continued to fulfill the requirements of the new Open Public Records Act (OPRA).

The Commission has earned a national reputation for analyzing trends in campaign financing and lobbying. In keeping with this pattern, Deputy Director Jeffrey M. Brindle wrote White Paper Number 16, A Resurgent Party System: Repartyization Takes Hold. Information was also provided vis-à-vis lobbying financial activity and financial activity involving the 2003 legislative elections.

The Legal Section was again busy researching and writing advisory opinions and proposed regulatory guidelines. Moreover, major cases were adjudicated and complaints issued. During 2003, the Legal Section, for instance, drafted regulatory proposals that were adopted and issued 87

complaints against candidates and other political entities in violation of the Campaign Act.

All told the Review and Investigation Section completed 49 investigations that resulted in penalty actions and ultimately contributed to the effort to assure compliance with disclosure rules and regulations. Several significant fines against serious violators of the campaign and lobbying laws were issued, among

them several against county party committees.

Executive Director Frederick M. Herrmann continued to pursue enthusiastically the cause of ethical government in New Jersey. Holding a reputation as a national leader in the field of governmental ethics, Executive Director Herrmann utilized his stature to again lead the Commission's staff in an enlightened and conscientious manner, helping to maintain ELEC's status as among the best agencies of its kind in the country.

During 2003, Dr. Herrmann addressed numerous groups and media outlets, served on the editorial board of Public Integrity and as book review editor of COGEL's Guardian, and made presentations at the annual conferences of COGEL and NORCOL. He also authored Lobbying in New Jersey 2003 and published an article, "Ethical Leadership: Practical Lessons from the Boardroom and the Battlefield," in the Fall, 2003 issue of the Guardian.

Thus, on the occasion of ELEC's 30<sup>th</sup> anniversary, it is with great pride that on behalf of my fellow Commissioners and staff, I submit this report to the Legislature.



## EXECUTIVE DIRECTOR'S REMARKS

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The modern era of campaign financing and lobbying law regulation began with the Watergate Scandal of the early Seventies. What was distinctive



Frederick M. Herrmann, Executive Director

about the new regulatory scheme was the creation of independent governmental ethics agencies to administer and enforce the law. Many of the Watergate transgressions (such as illegal corporate contributions) did not occur because of a lack of ethics laws, which had existed for decades, but because of a lack of their enforcement. Indeed, noted campaign finance scholar Herbert E. Alexander remarked that the governmental ethics problem “has not been the law itself but the implementation of it.” To solve this problem, the federal government and many of the states created during the Seventies a novel entity, the independent ethics commission, to uphold campaign financing and lobbying statutes.

No fewer than 27 agencies were created during that crucial decade of ethics reform. Of course, at the national level, the Federal Election Commission was established. In the states, commissions such as the California Fair Political Practices Commission, the Connecticut Elections

Enforcement Commission, the Iowa Campaign Finance Disclosure Commission, the Kentucky Registry of Election Finance, the Minnesota Campaign Finance and Public Disclosure Board, and the Washington State Public Disclosure Commission began to function. New Jersey, in 1973, created the Election Law Enforcement Commission (ELEC), which is now 30 years old.

The importance of such entities to the efficient administration of ethics rules cannot be exaggerated. There is a critical relationship between the effectiveness of any law and the police that enforce it. In order to guarantee the viability of governmental ethics laws and to establish trust in the political process, ethics regulatory agencies need to be kept strong. Although ELEC has been a leader in the field for three decades, there continues to be concern at the Commission whether or not it will be able to function adequately in the future.

The dynamic growth of campaign financing and lobbying activity, more expansive disclosure requirements enacted during the Nineties, and Internet disclosure are driving the need for enhanced ELEC resources. Last year's legislative general election was the most expensive in State history. Candidates spent an incredible \$40.4 million, an amount that was double what was spent in 1997, five times what was spent in 1983, and ten times what was spent in 1977. Moreover, in 2003, eight candidate committees spent over \$1 million, while in 2001 only one did in the first occurrence of such spending. Statewide lobbying expenditures are also growing at an enormous pace. The almost \$24 million spent last year was nearly 10 times the amount spent in 1982, the first year such records were kept.



## EXECUTIVE DIRECTOR'S REMARKS continued

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Booming spending in local elections is driving the need to focus more of ELEC's resources at the grassroots level. In the past decade, the Commission's White Paper Number 14, Local Campaign Financing, found that spending on municipal elections had increased by almost 60 percent. School board election spending, meanwhile, had grown by an astounding 215 percent.

There are 566 municipalities and 597 school districts that hold elections in New Jersey. Moreover, there are 1,100 municipal political party committees. ELEC receives about 29,000 reports a year from its filing entities. In 1999, the paper reported that about 60 percent of campaign spending was local. Of the \$43 million spent that year, \$18 million was for the General Assembly election while \$25 million was for local elections.

New laws enacted during the Nineties greatly increased the Commission's workload. Contribution limits were established for all candidates not only those running for Governor. Contributors now had to disclose their occupations and employers as well as their mailing addresses. PAC registration was required, and candidates had to report quarterly in non-election years. Campaign communications needed to contain a political identification statement, and financial disclosure became an essential element of recall elections.

The placing of candidate reports on the Internet vastly heightened the need to make sure that they are adequately reviewed for accuracy not only for the protection of the public but also for the protection of the candidates. Most reporting errors, especially at the local level, are inadvertent and are caused by a lack of understanding of the law not by a willful attempt to evade it. Early detection of errors would provide better disclosure for the public. It

would also reduce the legal exposure of those candidates who are making honest mistakes.

The simple truth is that ELEC's sparse resources are becoming more and more inadequate for: monitoring the burgeoning increases in campaign financing and lobbying expenditures, managing a much more complex legal structure, and

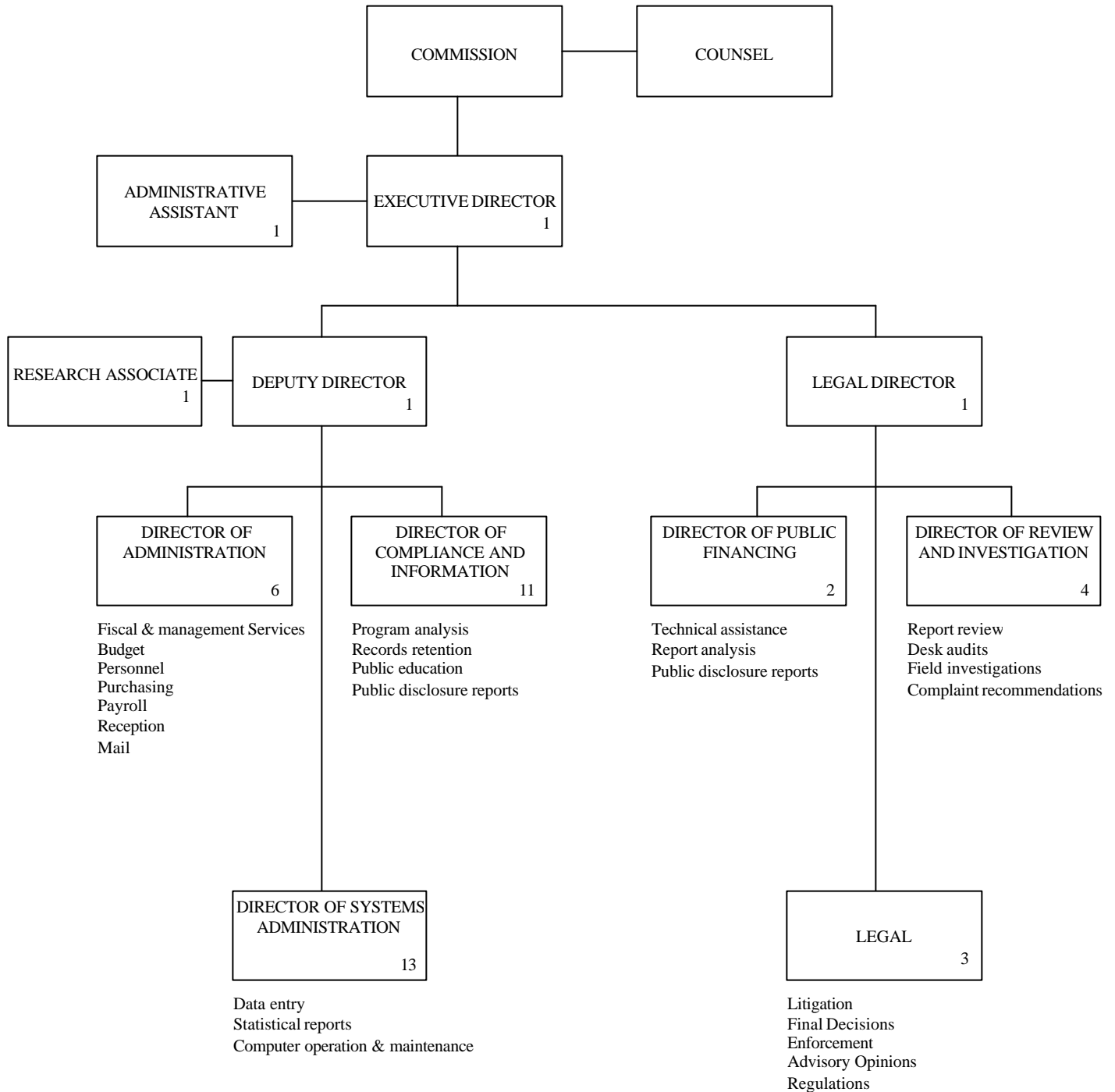
rising to the challenge of new computer technologies. So, what is to be done? It would be good for all New Jerseyans to keep in mind the words of a citizen activist to ELEC during a 1995 hearing. She stated that "the first expense of government should be to maintain the integrity of the democratic process." Appropriating more funds to ELEC for: creating a local campaign contributions and expenditures database, providing a more adequate review of campaign reports especially at the municipal and school board levels, and running an outreach program to assist often uninformed local candidates and committees in complying with their filing responsibilities would go a long way toward fulfilling her heartfelt expression of how we ought to be governed.

For three decades, New Jersey's elected State leaders have supported one of the strongest campaign financing and lobbying regulatory systems in the nation. The key element to the success of such regulation is the Commission, which nationally respected political scientist Larry J. Sabato referred to as "the most effective state ethics agency in the country." ELEC's 30-year record is one in which State citizens can take great pride. The maintenance and constant improvement of such an agency by the Governor and the Legislature will be a continuing legacy to future generations of New Jerseyans.

There is a critical relationship between the effectiveness of any law and the police that enforce it.



## TABLE OF ORGANIZATION







## ELEC OVERVIEW

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### 1973

Frank P. Reiche, Chair  
Judge Sidney Goldmann, Vice Chair  
Judge Bartholomew Sheehan, Commissioner  
Florence P. Dwyer, Commissioner

### 1974-1979

Frank P. Reiche, Chair  
Judge Sidney Goldmann, Vice Chair  
Josephine Margetts, Commissioner  
Archibald S. Alexander, Commissioner

### 1980-1981

Judge Sidney Goldmann, Chair  
Josephine Margetts, Vice Chair  
Andrew C. Axtell, Commissioner  
M. Robert DeCotiis, Commissioner

### 1982-1983

Andrew C. Axtell, Chair  
M. Robert DeCotiis, Vice Chair  
Justice Haydn Proctor, Commissioner  
Alexander P. Waugh, Jr., Commissioner

### 1984-1986

Andrew C. Axtell, Chair  
Alexander P. Waugh, Jr., Vice Chair  
Justice Haydn Proctor, Commissioner  
Owen V. McNanny III, Commissioner

### 1987-1988

Judge Stanley G. Bedford, Chair  
Owen V. McNanny, III, Vice Chair  
Andrew C. Axtell, Commissioner  
David Linett, Commissioner

### 1989-1990

Judge Stanley G. Bedford, Chair  
Owen V. McNanny, III, Vice Chair  
David Linett, Commissioner  
S. Elliott Mayo, Commissioner

### 1991-1992

Owen V. McNanny, III, Chair  
Judge Stanley G. Bedford, Commissioner  
David Linett, Commissioner

### 1993-1994

Owen V. McNanny, III, Chair  
William H. Eldridge, Vice Chair  
David Linett, Commissioner

### 1995

William H. Eldridge, Chair  
Owen V. McNanny, III, Vice Chair  
David Linett, Commissioner  
Michael Chertoff, Commissioner

### 1996

Judge Ralph V. Martin, Chair  
David Linett, Vice Chair  
Paula A. Franzese, Commissioner

### 1997-2000

Judge Ralph V. Martin, Chair  
David Linett, Vice Chair  
Paula A. Franzese, Commissioner  
Lynnan B. Ware, Commissioner

### 2001

Judge Ralph V. Martin, Chair  
Paula A. Franzese, Vice Chair  
Lynnan B. Ware, Commissioner  
Susan S. Lederman, Commissioner

### 2002-2003

Judge Ralph V. Martin, Chair  
Paula A. Franzese, Vice Chair  
Susan S. Lederman, Commissioner  
Peter J. Tober, Commissioner

### EXECUTIVE DIRECTORS

1973-1976	David F. Norcross
1976-1981	Lewis B. Thurston, III
1981-1984	Scott A. Weiner
1984-present	Frederick M. Herrmann

### COUNSELS

1973-1994	Edward J. Farrell
1994-present	James P. Wyse

### CONSULTANT

1973-1978, 1982, 1986-1988	Herbert E. Alexander
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## LEGISLATIVE REVIEW & RECOMMENDATIONS

In late 2003, the Governor signed legislation establishing a \$250 annual cap on the value of benefits that a lobbyist or legislative agent may



Jeffrey M. Brindle, Deputy Director

provide to a legislator or State official. This legislation enacted a recommendation made by the Commission in its prior Annual Reports.

The Commission offers the following recommendations for new or amended legislation based in part on its past experience with: the Campaign Reporting Act, other laws it administers, and its experience in administration of the gubernatorial public financing program.

### **Campaign Reporting Act**

- Implement pay-to-play reform.
- Increase the Commission's operational budget to support better educational and enforcement activities at the local level and to create a database of local contributors.
- Statutory changes to ban contributions made directly from corporate and labor union treasuries.

- Statutory change to ban the use of partnership funds for the purposes of making contributions.
- Regulate "wheeling" by establishing limits on the amounts that a county political party committee may contribute to such committees outside the county.
- Make illegal in the private sector, as well as the public sector, the use of force, threats, a condition of employment, or financial reprisal to obtain a contribution.
- Reduce the annual contribution limit to State and county political party committees and legislative leadership committees to three times the contribution limit for continuing political committees.
- Include in the definition of "candidate" all appointees to fill vacancies for elected offices.
- Amend the law to make information compiled as part of an investigation, whether open, closed, or inactive, confidential and not subject to public access.

**Increase the Commission's operational budget to support better educational and enforcement activities at the local level and to create a database of local contributors.**

- Amend the 48-hour notice requirement for continuing political committee expenditures to require that notices be filed for expenditures made in municipal, school, and special elections, as well as primary and general elections.



## LEGISLATIVE REVIEW & RECOMMENDATIONS continued

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- Prohibit a political committee or continuing political committee from containing in its name the name of a candidate or officeholder.
- Modify the rounding provisions of the quadrennial campaign cost adjustment process.
- Create a partial public financing program for legislative elections.
- Require identification of all contributors who have been awarded or are seeking government contracts.
- Require identification of all contributors who are lobbyist organizations or legislative agents.

### **Gubernatorial Public Financing**

- Eliminate the expenditure limit of a publicly-financed gubernatorial candidate who faces a non-publicly financed candidate spending in excess of the expenditure limit.
- Include funds in the Commission's public financing budget specifically for the purpose of advertising the mandatory gubernatorial debates in New Jersey newspapers.
- Eliminate the gubernatorial spending qualification threshold.
- Conform the penalties for gubernatorial violations to equal the penalties for campaign reporting violations.
- Increase the number of required debates for publicly-financed candidates from two to three in the primary and general elections.
- Require disclosure of occupation and employer information for contributions from individuals in excess of the \$400 disclosure threshold on reports filed by an Inaugural event committee.

- Study the effectiveness of the gubernatorial ballot statement program to determine whether or not it is an effective means of communicating the candidates' messages to New Jersey voters and to recommend alternatives to the ballot statement program.

### **Lobbying Disclosure Act**

- Require reporting of indirect or "grassroots" lobbying.
- Require lobbyists to file quarterly rather than annual financial reports.
- Change the terminology of the lobbying law so that an organization or business that employs an individual to conduct lobbying activity on its behalf is referred to as a "client" and the individual conducting the lobbying activity is referred to as a "lobbyist."
- Conform the penalty provisions of the Lobbying Disclosure Act to those of the Campaign Reporting Act.
- Require reporting of contract lobbying.

### **Personal Financial Disclosure Act**

- Provide for uniform disclosure of gifts, reimbursements, and honoraria of over \$250 in a calendar year and require disclosure of their value and a description of the article if other than cash.
- Require reporting of the occupation and employer of individuals providing reportable benefits.
- Conform the penalty provisions of the Personal Financial Disclosure Act to the Campaign Reporting Act.



## LEGAL SECTION

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The Legal Section adjusted during 2003 to the retirement of its long-time Director and to the resulting reduction in the number of attorneys available to conduct the many tasks assigned to the Section. The responsibilities of the Section arise from the Commission's statutory authority to enforce the Campaign Contributions and Expenditures Reporting Act, the Lobbying Disclosure Act, the

provisions in the law and was granted leave to intervene in the case solely on the issue of application of contribution limits in primary elections. The Commission argued that the public policy and plain language of the law and its continued, unchallenged application since 1993 supported application of contribution limits to all candidates and committees in all New Jersey elections, including primary elections. In an opinion decided on January 27, 2004, the Appellate Division upheld the Commission's position.

### **Advisory Opinions**

The Commission issued three opinions in calendar year 2003. In Advisory Opinion No. 01-2003, the Commission held that it is permissible for a state political party committee to borrow money by means of a mortgage loan to purchase an office building if the mortgage is obtained "in the ordinary course of business" and that such a mortgage loan does not constitute a "contribution" under the Reporting Act.

In its second opinion, the Commission relied upon three criteria to determine that an entity making contributions in New Jersey is subject to the contribution limit for an "association or group," but that the group does not have a reporting obligation under the Reporting Act. The Commission examined the "major purpose" of the entity, its practice in soliciting contributions in New Jersey, and reports filed by the entity with the Federal Election Commission.

Lastly, the Commission concluded that an individual who maintains candidate committees and is currently filing campaign reports for a prior election is a "candidate" under the Act and therefore may not establish, maintain, or participate directly or indirectly in any continuing political committee.



Left to right: Nedda G. Massar, Ruth Ford, Michelle Levy, and Gail Shanker

Personal Financial Disclosure Act, and the Uniform Recall Election Law. The Legal section has three main duties: to facilitate compliance with these laws by preparing advisory opinions; to issue civil complaints, which may carry monetary penalties; and to draft regulations to clarify statutory requirements and provide guidance to filing entities and the public.

### **Challenge to the Campaign Reporting Act**

In Superior Court election contest litigation in the 2003 primary election in the 31<sup>st</sup> Legislative District, the trial judge held that the contribution limits in the Campaign Reporting Act did not apply in primary elections. The Commission took immediate action to protect the contribution limit



## LEGAL SECTION continued

### Civil Complaints

To compel and enforce compliance with the Act, the Commission is authorized by law to bring civil complaints against alleged violators and to impose monetary penalties for violations. Contested cases are transferred to the Office of Administrative Law. In those cases, the Legal Section staff prepares for hearings before Administrative Law Judges, and frequently enters into settlements prior to hearing. At the conclusion of each contested or uncontested case, the Commission issues a Final Decision which sets forth specific findings of fact and conclusions of law and imposes penalties where applicable.

In 2003, the Legal Section provided legal research for and drafted and issued 32 multi-count complex civil complaints. Among the alleged violations prosecuted by the Legal Section were: failure to report or inadequate reporting of expenditures, missing contributions and contributor information; personal use of contributions; receipt and retention of contributions in excess of permissible contributions limits; failure to make and maintain written records; and failure to file 48-hour notices of contributions and expenditures.

A small percentage of candidates do not satisfy their campaign reporting obligations, even after written notification by the Commission. In calendar year 2003, the Legal Section therefore brought 25 non-filing complaints for candidates in the 2002 general election and 30 non-filing complaints for the 2003 primary election. The Legal Section was able to obtain 98 percent compliance in closed cases that began as non-filing cases in 2003,

To compel and enforce compliance with the Act, the Commission is authorized by law to bring civil complaints against alleged violators and to impose monetary penalties for violations.

and the Commission imposed lower penalties upon late filers than it did upon the one Respondent who remained a non-filer and who received the maximum statutory penalty. During 2003, monetary penalties of more than \$87,000 were collected as a result of complaint and fine collection activity.

All Complaints and Final Decisions are available for public inspection at the Commission's offices and via the Internet at [www.elec.state.nj.us](http://www.elec.state.nj.us).

### Regulations

Promulgating administrative rules and regulations furthers the purposes for which the Commission was created. The rulemaking process includes the opportunity for public comment and testimony and is intended to give public notice of new rules and amendments to existing rules. Regulations adopted in 2003 included detailed rules concerning the imposition of penalties, a clarification of the Lobbying Act, and various "housekeeping" regulations.

### Conclusion

The Commission believes that the work of the Legal Section, interpreting and enforcing the law, is a crucial element of effective administration of the campaigning and lobbying financial disclosure responsibilities entrusted to the Commission. The Legal Section looks forward to serving the public interest by enforcing the Commission's statutory and regulatory responsibilities.



## COMPLIANCE AND INFORMATION SECTION

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During calendar year 2003, all 120 seats in the Legislature were up for election, creating a burgeoning workload and a high profile filing period.



Left to right: Nancy Fitzpatrick, Christopher Guear, Evelyn Ford, Kim Key, Monica Triplin-Nelson, Titus Kamal, Linda White, Maria Concepcion, Lauren Yarosheski, and Desiree DeVito

In a climate of flat budgetary conditions, the staff of the Compliance and Information Section did an outstanding job in meeting its objectives. The Commission's Web site played a major role in enhancing not only the regulated community's ability to comply with the law, but in providing timely disclosure of campaign finance report data in a pre-election setting.

### **Compliance**

In addition to the legislative elections, New Jersey had numerous elections at the local level. Over 6,500 candidates and committees filed approximately 24,600 reports for these elections. The reports were scanned to the Web site, providing prompt campaign finance data to interested Web site visitors.

Compliance with the Campaign law remained high throughout 2003, in large part as a result of the outreach efforts of the Compliance staff. Prior to each election, a compliance manual for campaign reporting was mailed to each candidate.

And, throughout the pre- and post-election periods, numerous reminder and delinquent notices were mailed out to all candidates participating in primary, general, and May municipal elections.

Also during 2003, there were 1,582 PACS (Continuing Political Committees, Legislative Leadership Committees, and Political Party Committees) filing reports with the Commission. The number of PACS registered in New Jersey continues to rise each year. All the PAC reports were scanned to the Web site and, in some cases, were disclosed in less than 24 hours. Since giving by PACS is an important piece of the fundraising and spending picture, it is important that PACS comply with the law. PACS received reminder materials just prior to each quarterly reporting date, and non-filer and delinquent letters after each filing period.

The Web site provided a tremendous source of information throughout 2003, and greatly expanded the ability of the Compliance staff to provide support to the regulated community. Compliance manuals, as well as other important information, such as forms, instructions, reporting dates, advisory opinions, and regulations were accessible from the site.

Informational seminars were scheduled during 2003, to encourage voluntary compliance with the Campaign law. Four seminars were held in Trenton focusing on the primary and general election filing requirements. Staff provided consulting services at two other events.

Telephone assistance to candidates and treasurers continued to be a valuable "one-on-one" method of support. The Compliance staff was available to answer complex reporting and compliance-related questions whether received by telephone or in person as a result of a "walk-in."





## COMPLIANCE AND INFORMATION SECTION **continued**

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Over 9,000 compliance contacts occurred during the year, an astounding number affecting the overall workload of the Section.

The Commission's electronic filing program for the legislative candidates was continued in 2003, and remained popular. Several informational seminars were scheduled during both day and evening hours to distribute updated, free filing software to candidates and their treasurers.

The number of legislative agents registered in the State increased in 2003. Similarly, the amount of money spent by agents and their clients continued to rise. Since information concerning the activities of legislative agents is in high demand by the press and public, it is important that the agents fully comply with the "Legislative Activities Disclosure Act." All the materials that agents needed to file with the Commission were available on the Web site; reminder materials were routinely sent to every registered agent, and notices concerning non-filing were sent each quarter. Close to 4,000 reports of lobbying activity were filed and processed in 2003.

Overall, the Compliance and Information Section staff did an outstanding job of promoting compliance with the disclosure laws. Close to 29,000 reports were filed with the Commission during the 2003 calendar year, an increase of 4,000 over 2002 levels. By providing a tremendous support system consisting of direct mail outreach efforts, daily telephone assistance, seminars, individualized consultations, and a Web site with a wealth of materials, it is not surprising that compliance rates remained remarkably high.

### **Information**

The Commission has always considered public disclosure to be its primary purpose.

Disclosing campaign contributions and expenditures and lobbying activity to the citizens of New Jersey creates an educated electorate.

Over the last few years, information technology has greatly enhanced the amount of disclosure that can be conveniently provided. Since more and more New Jerseyans have access to the Internet, public scrutiny of reports is growing. Because reports filed with the Commission have been scanned and imaged to the Web site, campaign financial information can be accessed from one's home or office. Further, contributions to certain candidates and committees were easily accessible through a contributor search of an extensive database. And, summary information concerning fundraising and spending by legislative candidates, and an analysis of lobbying financial activity was posted on the Web site for all to review. Virtually every aspect of the disclosure process has felt the impact of the technology revolution.

Ever mindful that some citizens may not have access to the Internet, the Compliance staff dedicated an entire public records room to accommodate two terminals with a printer. The staff continued to be available to provide "paper" disclosure to those persons who preferred a "hard copy" version.

### **Conclusion**

Despite the funding in recent budgets, the staff of the Compliance and Information Section delivered outstanding support services to those regulated by the Commission, and faster, more timely disclosure of reports and contributor data to the press and public. As a result, the Commission has the enviable reputation of being one of the best state disclosure agencies in the country, an achievement that is expected to continue in the future.



## REVIEW AND INVESTIGATION SECTION

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Ten years after the 1993 Amendments to the Campaign Reporting Act, the work of the Review and Investigation Section continues to revolve around



Left to right: Brett Mead, Carol Hoekje, Renee Cardelucci, and Shreve Marshall

the fundamental issues of financial disclosure and campaign finance reform that were so paramount in those amendments. The Section's investigators utilize the benefits of the Commission's own web site in accessing scanned reports for review during investigations and in utilizing the benefits of such computer programs as Excel in inputting and sorting financial records.

### **Investigations**

The Commission closed 49 investigations in calendar year 2003, with complaint recommendations in 29 of those cases. The investigations continue to concern such issues as the timely reporting of contribution and expenditure information, compliance with the contribution limits, compliance with the regulation concerning the reporting of contributions received from partnerships, the requirement to make and maintain records of contributions and expenditures, and reporting requirements for persons or entities allegedly engaged in election advocacy.

One investigation resulted in recommendations for a 98-count complaint against a candidate for: failing to file 20 quarterly reports and to report receipt of \$327,578.31 in contributions and \$318,046.01 in expenditures, and receipt of excessive contributions from 42 contributors. Another investigation resulted in a 28-count complaint against a candidate in the 2002 municipal election for late filing of preelection campaign quarterly reports over a three-year reporting period as well as for the failure to make and maintain records of campaign contributions and expenditures.

The Section completed a project that involved an examination into how well the county political party committees complied with the 48-hour notice requirement. This requirement mandates the reporting of contributions in excess of \$800 that are received in the timeframe between the close of the third quarter reporting period and on or before the date of the general election. This initiative resulted in issuance of 18 complaints, including one complaint relevant to the receipt of 48 contributions totaling \$329,350.00. The Section issued 26 subpoenas in calendar year 2003, all to obtain records of a campaign or organizational depository.

### **Requests for investigation**

Any member of the public can request an investigation by completing the Request for Investigation form which can be found at the Commission's web site, [www.elec.state.nj.us](http://www.elec.state.nj.us).





## REVIEW AND INVESTIGATION SECTION *continued*

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All requests for investigation over which the Commission has jurisdiction are presented to the Commission within approximately 90 days of receipt, and the Commission determines whether or not to open a review of the allegations. The Commission received a total of 153 requests for investigation in calendar year 2003. The Commission did not have jurisdiction over 18 requests, and ten others were administratively resolved. A total of 125 requests for investigation were presented to the Commission for its determination whether or not to open a review. In calendar year 2003, the Commission determined to open a total of 46 investigations.

The Section completed a project that involved an examination into how well the county political party committees complied with the 48-hour notice requirement.

### **Other Activities**

The investigative staff provided assistance to other law enforcement agencies including the FBI, the Division of Criminal Justice, the U.S. Postal Inspector, and the U.S. Attorney's office. The Section staff also provided input to the Legal Director on the COGEL Model Lobbying Law. Investigator Amy F. Davis was promoted to the Director of Public Financing for the Commission. This opportunity for Ms. Davis resulted in the loss of an investigator to the Section, and at the end of the year left the Section staffed with only two investigators, a secretary, and the director. The Section nonetheless remains committed to continued service to the Commission and to the public interest.

### **Administrative Hearing and other Legal Support**

The Review and Investigation Section also assists the Legal Section in the preparation of cases for hearings before the Office of Administrative Law when respondents do not waive such hearings, and in the review of amended reports filed by respondents in response to Commission complaints. The Section's investigators also review the Commission's files for records of candidates and entities participating in an election who have failed to file any reports. The Section transmitted recommendations to the Legal Section which resulted in the issuance of 25 complaints relevant to the 2002 general election, and 30 relevant to the 2003 primary election.



## GUBERNATORIAL PUBLIC FINANCING SECTION

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The Commission undertook activities in 2003 to conclude its work on the 2001 publicly-financed gubernatorial election and to lay the foundation for the 2005 public financing program. New Jersey's gubernatorial program distributes public



Left to right: Helen Staton and Amy F. Davis

matching funds to candidates who comply with complex statutory and regulatory requirements. Because of the complicated nature of the public financing requirements, candidates contemplating a gubernatorial candidacy and their representatives contact the Commission well in advance of an election for information and assistance in planning. It is therefore essential that public financing staff respond to inquiries from potential candidates and the public in the years before and after gubernatorial elections.

### **New Program Director**

The Commission is delighted that Amy F. Davis has become the new Director of Public Financing. Ms. Davis has served as a member of the Commission's Compliance and Information, and Review and Investigation staffs and therefore brings to her new role considerable experience in assisting candidates to understand and apply the Campaign Reporting Act. She joins Helen Staton, Public Financing Analyst, and Nedda Massar, former

Director of Public Financing, to complete the Commission's full-time staff with an expertise in the program

### **Expenditure Review**

Work continued on the review of expenditures of each 2001 publicly-financed campaign to verify that matching funds were spent only for the specific purposes permitted in the Campaign Reporting Act. The 2001 primary and general election campaigns spent the public matching funds, totaling \$11.1 million in the primary election and \$11.2 million in the general election, in accordance with statutory requirements that strictly limit the use of the funds to purposes which include the purchase of media time and the printing and mailing of campaign literature.

The review has also indicated that the campaigns complied with the \$5.9 million primary election expenditure limit and the \$8.4 million general election spending limit. The Commission will continue to monitor reports filed by the 2001 campaigns to insure that any funds remaining after all campaign obligations are satisfied are refunded to the State.

### **Planning for 2005**

Planning for the next gubernatorial election is an ongoing process for the public financing staff. To prepare for the 2005 gubernatorial election, public financing staff worked during 2003 to improve and revise the Gubernatorial Electronic Filing System (GEFS), the electronic filing software first used in the 2001 election. GEFS permits a publicly-financed candidate to prepare both the specialized applications for public matching funds and gubernatorial campaign reports. New features have been added to



## GUBERNATORIAL PUBLIC FINANCING SECTION continued

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the GEFS in response to suggestions received from the 2001 campaigns. Testing of the revised software continues, and staff expects that it will be ready for distribution to candidates in the spring of 2004. Staff began in 2003 to review and update forms, materials, and manuals, especially those related to the GEFS.

Planning for the next gubernatorial election is an ongoing process for the public financing staff.

Also during 2003, staff began a detailed review of the gubernatorial regulations. In 2004, the Commission will propose amendments to reflect changes in technology and issues raised during the 2001 election. The Commission will also calculate the statutorily-mandated quadrennial campaign cost index by examining inflationary changes in the costs of campaigns between 2001 and 2004. The cost index adjustments will be proposed as changes to the Commission regulations in the summer and fall of 2004, and reported to the Legislature in December, 2004.

During the summer of 2004, the Commission will begin the process of hiring and training temporary public financing staff in the complex statutory and regulatory requirements of the program and its computer operations. Information seminars will be conducted during the year for gubernatorial candidates and treasurers who intend to participate in public financing.

### **Conclusion**

By continually examining and improving the public financing program, including its electronic filing technology, the Commission strives to insure that New Jersey citizens and candidates are well served by the State's gubernatorial public financing program.



## SYSTEMS ADMINISTRATION SECTION

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### Maintenance and Support

The Systems Administrations' IT support team oversaw the installation of FileNET's Document Archive Retrieval Transport (DART)



From left to right: Carol Neiman, Peter Palaitis, Anthony Giancarli, Brenda Brickhouse, Brian Robbins, Kim Vandegrift, and Lou Solimeo

utility. This utility is used in conjunction with the Commission's magnetic tape backup libraries, copying report images from compact disk to magnetic tapes making it more feasible to store at an off-site location. It was the missing link needed to complement the Commission's backup systems for disaster recovery should the need ever arise. The Systems Administrations' IT support team continued to provide support and routine maintenance for the many servers, switches, routers, PC's, printers, and scanners used at the Commission.

Also, Systems Administration effectively managed the data received from disclosure reports of candidates, committees, lobbyists and legislative agents. These reports were received either by hard copy or electronically through diskette or CD. The filings received electronically were processed through a program in the computer section that creates a report image that is viewed the same as a paper report and available on the Commission's website. It is seamless to the viewer whether or not

the report was filed in the traditional style by paper or electronically.

Help desk and desktop support continued to be provided to staff for hardware and software maintenance. In addition, help desk support continued for electronic filers and Internet users, providing the help needed to view campaign finance and continuing political committee reports on-line.

ELEC's webmaster was also right on top of the many changes that needed to occur throughout the year to keep ELEC's web site up-to-date. This fact undoubtedly helped ELEC to be ranked as having one of the best campaign finance disclosure programs in the country by a report of the "Campaign Disclosure Project," a collaboration of the UCLA School of Law, the Center for Governmental Studies, and the California Voter Foundation, supported by The Pew Charitable Trusts.

### Development and Programming

The IT development team provided enhancements and maintenance to the R-1 Electronic Filing System (REFS). According to plan, REFS Version 3.0 was released to legislative electronic filers in time for the 2003 legislative general election. The enhancements and changes included: an easier to navigate and user friendly interface, a means of keying multiple expenditures from one payment check, creation of campaign management tools (allowing a user to add additional contributor information for a campaign's use), and an on-line backup system. Users of this new and improved electronic filing program were given individual and/or group training. All of this occurred in spite of the current budgetary climate. The IT development team was more than willing to do whatever it had to in order to produce a successful electronic filing program.



## SYSTEMS ADMINISTRATION SECTION *continued*

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Work is still ongoing for the Gubernatorial Electronic Filing System (GEFS) with a target time frame of the spring of 2004.

### **Data Entry**

In a joint effort between members of the data entry staff and the Compliance Section's compliance officers, the 2003 Primary and General Election Legislative Financial Activity Summaries were prepared and posted to the Commission's web site within days of reports being filed for these elections.

Data entry technicians continued coding candidate and PAC reports for contributor and occupation types, making front cover adjustments for mathematical errors and keying the detailed contribution information for those reports not filed electronically. The contributor data of electronically filed reports are still reviewed by data entry staff for any adjustments that must be made. However, before the electronically filed data can be reviewed, the diskettes must be scanned for viruses, logged into the filing system and uploaded to the Commission's legacy database. Edit sheets for each report are then made available for review by data entry staff to complete the coding process. With a major legislative election behind us, the data entry area of the Computer Section was grateful for the electronically filed reports.

Information from the quarterly and annual lobbyist and legislative agent filings were also keyed. Summary information from those reports was posted on-line.

### **Future Projects**

- Upgrade and enhance ELECTrack (the Commission's legacy database application) to allow for a local database making it a more effective compliance tool.



From left to right: Shirley Bryant, Hellen Kelly, Darlene Kozlowski, Brenda Brickhouse, and Pam Kinsey.

- Upgrade FileNet web services to allow images to be viewed without the use of the FileNet viewer software. (These changes are scheduled to be completed and in use for the 2004 primary election.)
- Enhance the electronic filing program to allow for Internet Filing of the short form filers in addition to the R-1 long form.
- Upgrade the FileNet imaging system to the most current release, including a rewrite of the customized applications used within this program.
- Replace aging and outdated equipment. (This effort is always an ongoing project.)
- Create an electronic filing program for PACs, consisting of the legislative leadership, political party, and continuing political committees.
- Create a lobbyist module for scanning and electronic filing.





## ADMINISTRATION SECTION

During 2003, the Administration Section effectively met the ever-increasing fiscal and personnel demands of the Commission. An essential part of the agency, Administration provides all management services for the Commission including payroll, purchasing and procurement, health benefits, reception, mail, maintenance, and security.

provides partial public funding to eligible gubernatorial primary candidates. In addition to this appropriation, there is Budget language that will provide for any shortfall in the public matching funds component of the program.

### Other Activities



From left to right: Donna Margetts, Barbra Fasanella, Elaine Salit, and Aracelis Ocasio. Debbie Kostival and Irene Comiso not shown.

Since ELEC is "in but not of" the Department of Law and Public Safety, the Department has no administrative responsibility or control over the Commission.

### Managing the Budget

In FY-2004 (beginning July 1, 2003), ELEC received an annual appropriation of \$2,900,000. As in the recent past few years, budget cuts remain a daily possibility so careful planning is a priority. The Commission anticipates a continuation budget for FY-2005 (beginning July 1, 2004). The new fiscal year will also include an appropriation for the Public Financing Program of \$600,000, which will cover the administrative costs (staff and equipment) for the program. An additional appropriation of \$8,270,000 is anticipated for the public matching funds component of the program. This money

The Administration staff was involved with several State initiatives in 2003. Many meetings were attended regarding the Commission's Business Continuity Plan. This plan was developed after the September 11, 2001 tragedy. Our plan outlines what the Commission would do in the event of an emergency that would prohibit us from performing our daily operations at our current location. Administration maintains a master list of all staff home phone numbers and addresses and updates these on a

quarterly basis. All Directors are provided a copy and are told to maintain this record at home and at work in case of an emergency. A phone chain is also included on this list in the event that all employees need to be notified of an emergency situation. Administration is also responsible for securing other facilities to relocate to either in the short term or the long term depending upon the event.

Critical functions

such as responding to the public either in person or by telephone and receiving and processing filings as well as other correspondence would need to be accomplished with minimal staff.

The Administration staff was involved with several State initiatives in 2003.



## ADMINISTRATION SECTION continued

In addition, the Commission purchased disaster recovery software for the computer system. This software enables staff to complete a backup and store it offsite on a daily basis therefore ensuring no loss of data in the event of an emergency. This enhancement to our FileNet system was a crucial component needed to complete our disaster recovery plans.

### Looking Forward

Starting in July 2004, the Commission will begin the hiring process for the administration of the Public Financing Program. This cycle, the Commission is requesting eight positions to administer the program. For the Administration Section, this request will entail the setting up of new positions in PMIS (Personnel Management Information System). It will also require: placing advertisements in newspapers, setting up interviews, explaining health and other benefits to new staff, distributing policies to new staff (Code of Ethics, Public Communications Policy, Harassment in the Workplace Policy, etc.), and ordering of supplies needed for new staff. The Administration staff will be involved with the processing of the distribution of millions of dollars to gubernatorial candidates during the Primary and General elections.

In FY-2005, the Commission anticipates an appropriation of \$2,922,000 based on the Governor's Budget Recommendation.

### Comparison of Fiscal Years 2003 and 2004 Original Appropriations

	FY-2003 Appropriation	FY-2004 Appropriation
Personnel	\$2,311,000	\$2,409,000
Printing & Supplies	49,000	49,000
Travel	10,000	10,000
Telephone	40,000	40,000
Postage	38,000	38,000
Data Processing	250,000	250,000
Professional Services	40,000	40,000
Other Services	28,000	28,000
OIT	19,000	19,000
Maintenance/Equipment	2,000	2,000
Furniture/Equipment	0	0
Commissioner Per Diem	15,000	15,000
Total Operational	\$2,802,000	\$2,900,000

### 2003 Evaluation Data

Disclosure Reports (Total).....	28,856
<i>Campaign &amp; Quarterly.....</i>	<i>24,601</i>
<i>Lobbyist.....</i>	<i>3,925</i>
<i>Personal Finance.....</i>	<i>330</i>
Photocopies .....	51,582
Investigations .....	49
Civil Prosecutions .....	87
Public Assistance Requests .....	10,176
Fine Collection .....	\$87,213
Lobbying Annual Fees .....	\$176,800





## STATUTORY HISTORY OF ELEC

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- **Commission** created by P.L. 1973, c.83 (N.J.S.A. 19:44A-1 et seq.) - "The New Jersey Campaign Contributions and Expenditures Reporting Act" - effective date: April 24, 1973.
- **Gubernatorial Public Financing Program** established by P.L. 1974, c.26 (N.J.S.A. 19:44A-27 et seq.) - effective date: May 6, 1974.
- **Personal Financial Disclosure Program** established by P.L. 1981, c.129 (N.J.S.A. 19:44B-1 et seq.) - effective date: May 1, 1981.
- **Lobbying Program** established by P.L. 1981, c.150 (N.J.S.A. 52:13C-18 et seq.) - effective date: May 22, 1981.
- **Continuing Political Committee (PACs) Quarterly Reporting** established by P.L. 1983, c.579 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: January 17, 1984.
- **Lobbying Reform** established by P.L. 1991, c.243 (amendments to N.J.S.A. 52:13C-18 et seq.) - effective date: January 1, 1992.
- **Campaign Finance Reform** established by P.L. 1993, c.65 (amendments to N.J.S.A. 19:44A-1 et seq.) - effective date: April 7, 1993.
- **Street Money Reform Law** established by P.L. 1993, c.370, (codified as N.J.S.A. 19:44A-11.7) - effective date: January 7, 1994.
- **Uniform Recall Election Law** established by P.L. 1995, c. 105, (codified as N.J.S.A. 19:27A-1 et seq.) - effective date: May 17, 1995.
- **Political Identification Law** established by P.L. 1995, c. 391, (codified as N.J.S.A. 19:44A-22.2 and 22.3) - effective date: February 1, 1996
- **Contribution Limit Changes** established by P.L. 2001, c. 384 (amendments to N.J.S.A. 19:44A-1 et seq.) – effective date: January 8, 2002.



Steve Kimmelman



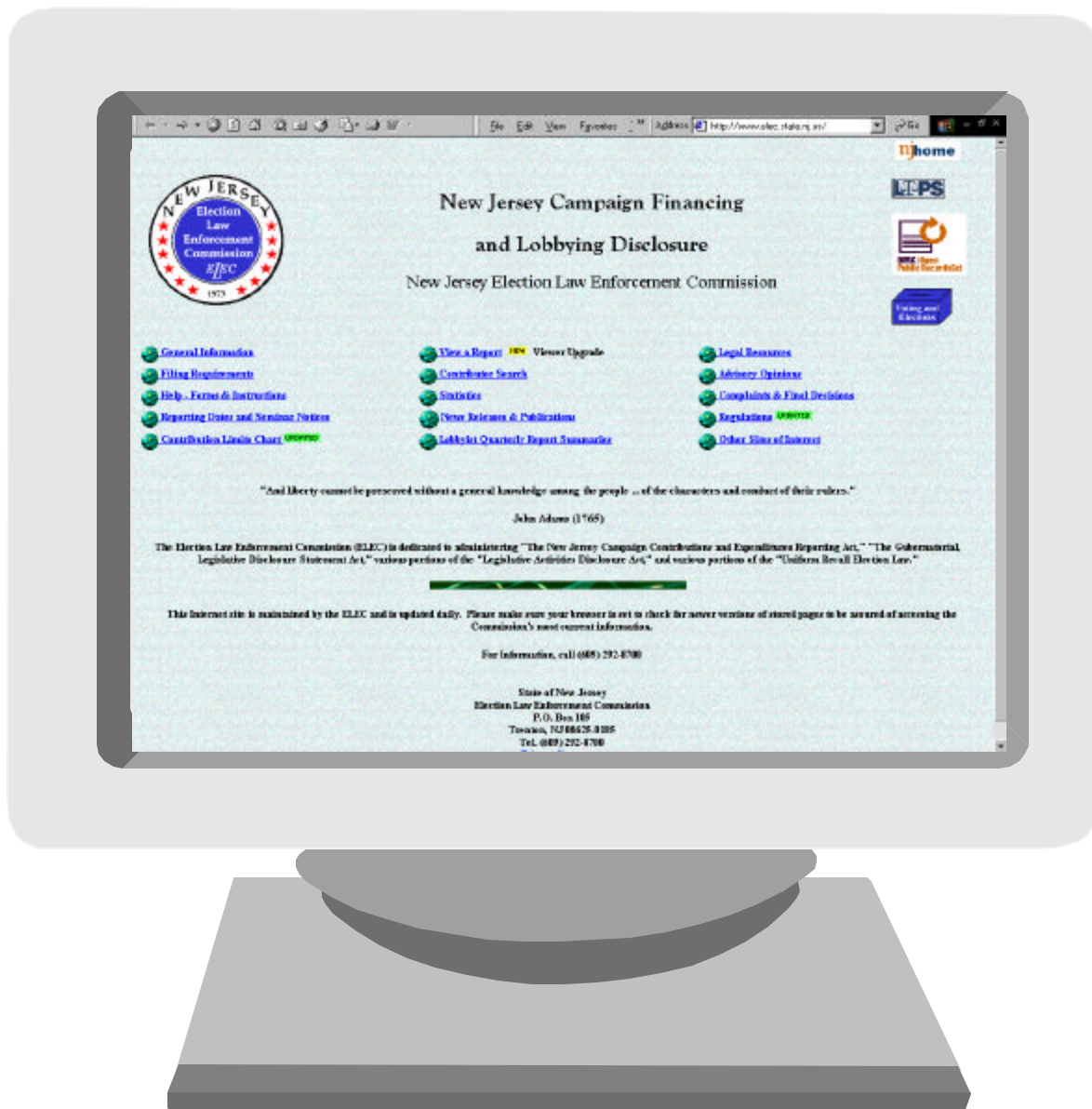
## ELEC's HOME PAGE

THE NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION  
PROUDLY HIGHLIGHTS ITS EXTENSIVE WEB SITE!

[www.elec.state.nj.us/](http://www.elec.state.nj.us/)

Log on to view Reports, search for Contributors, obtain Publications and Forms, and retrieve Campaign Financing & Lobbying Data from the past decade.

ELEC's help desk is always ready to lend assistance.  
Please call 609-292-8700 during business hours.





## THREE DECADES OF SERVICE 1973-2003

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